

ONEIDA COUNTY PLANNING & ZONING
MAY 17, 2006
12:00 P.M. – COMMITTEE ROOM #2
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR, ONEIDA COUNTY COURT HOUSE

Members present: Chairman Bob Metropulos
Scott Holewinski
Frank Greb
Ted Cushing
Larry Greschner

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Steve Osterman, Planning Manager
Nadine Wilson, Land Use Specialist
Mary Bartelt, Typist III

Other County Staff: Brian Desmond, Assistant Corporation Counsel

See Attached Guest List:

1. Call to order.

Chairman Metropulos called the meeting to order at 12:04 P.M., in accordance with the Wisconsin Open Meeting Law.

2. Discussion/decision to approve the agenda.

MOTION: (Frank Greb/Ted Cushing) to approve the May 17th, 2006 agenda. With all members present voting “aye” motion carries.

3. It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

MOTION: (Ted Cushing/Frank Greb) to enter into Closed Session, Roll Call Vote: Scott Holewinski “aye”, Frank Greb “aye”, Larry Greschner “aye”, Ted Cushing “aye” and Chair Metropulos “aye”, motion carries.

Time: 12:05 P.M.

4. A roll call vote will be taken to return to open session

MOTION: (Ted Cushing/Scott Holewinski) to return to open session. Roll Call Vote: Scott Holewinski “aye”, Frank Greb “aye”, Larry Greschner “aye”, Ted Cushing “aye” and Chair Metropulos “aye”, motion carries.

Time: 12:50 P.M.

For the record, the Committee conferred with legal counsel regarding possible litigation.

5. It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. A roll call vote will be taken to go into closed session.

NOTE: Committee did not enter into the second closed session and this item will be placed on a future agenda.

7. Discussion/decision to approve meeting minutes of March 29, 2006, April 5, 2006, & April 19, 2006.

MOTION: (Ted Cushing/Scott Holewinski) to approve both the regular and public hearing meeting minutes of March 29, 2006. Three ayes, 2 abstains, motion carries.

MOTION: (Frank Greb/Ted Cushing) to approve both the regular and public hearing meeting minutes of April 5, 2006. Three ayes, 2 abstains, motion carries.

MOTION: (Larry Greschner/Scott Holewinski) to approve both the regular and public hearing meeting minutes of April 19, 2006. All "aye" on voice vote, motion carries.

8. Discussion/decision involving the preliminary 8-lot county plat of "Red Pine Bend" at the Tomahawk River for property described as Gov't Lot 6, Section 16, T36N, R6E, in the Town of Nokomis.

Steve Osterman, Planning Manager, presented the preliminary 8-lot county plat of "Red Pin Bend" to the committee. This has been revised two times, once, eliminating one lot from 9 lots to 8 lots and second, a few minor revisions were made. The property was recently acquired by Nattara Land and is located on the Tomahawk River. Both Lots 1 and 2 are over five acres in size but touch a town road and each lot will have an individual driveway off Prairie Lake Road. Lots 3 through 8 exceed the minimum frontage and square footage requirements. The property is zoned Single Family. Gene Utech had delineated the approximate flood plain boundary on Lot 1. Flood plain is not a concern. Preliminary soil borings show appropriate for a conventional system. There are no easements shown on the lots. Access will be off Prairie Lake Road. Approval by the Town of Nokomis was on March 22, 2006, which eliminated the one lot, from 9 lots to 8 lots.

Staff recommends approval upon the following conditions:

1. Subject to a Statement on the final and no filling of flood plain or wetlands shown on the final. Must obtain driveway permits from the Town of Nokomis.
2. Access out to the Tomahawk River must be by elevated or rock only. Lots 1, 2 & 3.
3. Mr. Utech will provide the revisions on the final
4. Lot 1 – Mr. Utech will show the building setback line on final (85') along with the flood plain boundary

MOTION: (Scott Holewinski/Frank Greb) to approve the preliminary 8-lot county plat of "Red Pine Bend" Item #8 on today's regular meeting agenda with staff concerns. All "aye" on voice vote, motion carries.

Chair Metropulos asks if the committee wouldn't mind if they took Item #12 next. Committee does not object.

12. Discussion/decision involving a request from the Town of Minocqua Planning Commission to create a new business district in the Town of Minocqua.

Mr. Joe Handrick, Town of Minocqua, stated that the Minocqua Planning Commission nor the board has taken up a proposed sign ordinance, but they had a working group which put together a draft sign ordinance over the last three years and the Commission is considering whether or not to take that up. (EXHIBIT #1) This would contain some provisions, which would be stricter, then the Oneida County's current sign ordinance for Business B2. It was decided by the Planning Commission to not adopt their own ordinance for two reasons:

1. There is a dispute between the County's Counsel and the Town of Minocqua's Counsel as to whether this could be done.
2. If the Town of Minocqua adopted their own sign ordinance, people would have to go through one more hoop for creating new jobs when trying to open up a new business.

Therefore, before the Planning Commission takes up this draft sign ordinance, the Town of Minocqua decided to ask the Planning & Zoning Committee to consider the idea of creating a new business district. (This would be called Business B3)

MOTION: (Scott Holewinski/Ted Cushing) to direct staff to work with the Town of Minocqua in drafting a new business district, Business District B3. All "aye" on voice vote, motion carries.

13. Discussion/decision concerning public hearing date and time for Super Walmart being located in Minocqua Wisconsin.

Mr. Joe Handrick stated that the next Planning Commission meeting is scheduled for Wednesday, May 24, 2006 and anticipates putting the CUP for the Super Wal Mart Super Center on the agenda for that day. This will not be a public hearing, but the Planning Commission allows people to speak on these items and also asks that the Town of Woodruff addresses any concerns, if any. Then the Town of Minocqua Board meets on Tuesday, June 6, 2006 and there is no anticipation of putting the Super Wal Mart issue on that agenda. Mr. Handrick wishes to have a special town board meeting with the Town Board of Minocqua on Wednesday, June 7, 2006.

Committee discussed when to schedule the public hearing for the CUP Super Wal Mart Super Center.

MOTION: (Larry Greschner/Frank Greb) to tentatively schedule the public hearing for the CUP of Super Wal Mart Super Center for Wednesday June 28, 2006 at 6:00 P.M. at the Town Hall of Minocqua, gym, in Minocqua, WI. All "aye" on voice vote, motion carries.

9. Discussion/decision concerning a request for a 90-day time extension to file Lot 6 of CSM #936, recorded in Volume 4 of Certified Surveys, on Page 936 located in Gov't Lot 3, Section 5, T39N, R7E, in the Town of Woodruff, Lisa & Tim McMahon, owners.

Steve Osterman, Planning Manager, presented the 90-day extension to file for Lot 6 of CSM #936. Need extra time for recording.

MOTION: (Ted Cushing/Scott Holewinski) to grant the 90-day time extension to Lisa & Tim McMahon, Item #9 on today's agenda. All "aye" on voice vote, motion carries.

10. Discussion/decision concerning the 3-lot preliminary CSM of Jeremy Ceranski, owner, on property located in Gov't Lot 7, Section 18, T39N, R7E, in the Town of Woodruff.

Steve Osterman presented the 3-lot preliminary CSM of Jeremy Ceranski to the committee. The property is zoned Single Family. The property is over 10 acres, but is all flowage and/or wetland and flood plain. There is a home on the property with a failing septic system. Lot 2 is vacant. There is a private out lot for ingress and egress purposes only. The Town of Woodruff approved the 3-lot preliminary CSM of Jeremy Ceranski with a variance on the cul-de-sac of a 45' radius. The Oneida County ordinance states that no cul-de-sac should be less than 50'. The garage will be removed.

Scott Holewinski, "If the County ordinance says you can only go down to a minimum of 50' and even though the Town Board says they would approve it down to 45', don't we stick with the 50' that is in the ordinance?"

Mr. Jennrich, "My belief is that we stick with the 50'."

Larry Greschner, "The town ordinance says 45'."

Staff recommends approval with these conditions:

1. Failing septic system tank be replaced within one year or upon sale for the home on Lot 1.

2. The cul-de-sac waiver shall be 50', cul-de-sac and small tract Lot 1 will be deeded to the Town of Woodruff
3. The utilities are included within the out lot
4. The garage within the cul-de-sac requires a permit to remove it and to be labeled non-buildable.
5. All lots shall share equally in maintaining out lot #5, which is the driveway
6. Access to the Lake on Lot 3 shall be an elevated walkway
7. Staff to verify flood plain
8. Filling of wetlands prohibited
9. Determine lakebed from the vegetation on the map

Scott Holewinski asks if the public is allowed to turn around on the cul-de-sac.

Larry Greschner, "Yes."

Mr. Holewinski, "Even though outlot #1 is owned by three people, with approval that the public has access to use the turnaround."

Mr. Greschner, "Correct, because what is going to happen is that a part of the road and cul-de-sac will be deeded to the Town of Woodruff."

Mr. Holewinski, "So the outlot #1 will be deeded to the Town." "First of all, it will be a 50' diameter but it will be deeded to the town."

Mr. Greschner, "Yes."

More discussion took place.

Mr. Holewinski asks if it wouldn't be better to make the part of the road 66' with the 50' radius and then you have three less people to deal with down the road.

Mr. Greschner, "If you wish, that is fine."

Mr. Greb, "Make that a requirement."

More discussion took place.

Mr. Osterman is not sure about some land. Mr. Osterman thinks that Mr. Ceranski owns the primary land shown, but it wasn't included in the 3-lot preliminary CSM.

Mr. Holewinski feels that we should find out who owns what and where.

More discussion took place.

Mr. Jennrich, "If you have questions and you want the applicant here, why don't you just table it."

MOTION: (Larry Greschner, Ted Cushing) to table Item #10. All "aye" on voice vote. Motion carries.

11. Discussion/decision involving Ordinance Amendment #01-2006 authored by the Planning & Zoning Committee to eliminate Section 9.98 entirely and amend Section 9.94 & 9.99 of the Oneida County Zoning & Shoreland Protection Ordinance. A public hearing was held March 15, 2006 on this item.

Mr. Jennrich had asked Pete Wegner and another staff member to try to get some information comparing what we perceive as the Department of Natural Resources pier regulations compared to the Oneida County pier ordinance. EXHIBITS #2, Memo from Karl Jennrich, Oneida County Pier Ordinance, DNR

Pier Planner, Governor Doyle's Executive Order to Protect Family Piers, Chapter NR 326, Piers and Chapter 30.

At a previous meeting, Jim Rein, Wilderness Surveying, handed out to the committee on this issue Navigable Waters, Harbors and Navigation, Chapter 30 and he has contended that the P & Z Department does not have the ability to regulate wharfs, piers and swimming rafts.

Mr. Jennrich gave a brief history on how this all started. Mr. Jennrich reads for the record a response from Mr. Larry Heath pertaining to a memo sent by Mr. Jennrich on November 28, 2005. If the committee wants to regulate piers they have the authority to do so. The Oneida County ordinance was created in 1997-98. The committee has the authority to regulate piers but it is not required.

Mr. Pete Wegner read the differences between the DNR Pier planner and Oneida County Pier Ordinance.

More discussion took place.

Mr. Pete Wegner discussed the DNR Pier Planner with the committee. Mr. Wegner also went over the executive order with the committee. "When you piggy back all the information it is all interpretation."

MOTION: (Ted Cushing, Scott Holewinski) based on new information comparing the Oneida County Ordinance with the DNR Pier Planner and combining that information with the fact that the DNR is in the state of "plucks" over what the pier ordinance should be that we pull back sending the dropping of the Pier Ordinance on the County Board until such time that the DNR comes to a conclusion as to what their new pier regulations should be. All "aye" on voice vote. Motion carries. NOTE: This item will be kept on the agenda.

14. Discussion/decision concerning prioritization of Ordinance Amendments.

Mr. Jennrich and committee discussed which ordinance amendments they should work on first, etc. Committee and Mr. Jennrich felt that Sec. 9.93 – Waterway Classification be worked on first. The Sub-Division Ordinance should be also high on the list. Section 9.33 – Recreational Vehicle/Camping Tents will be back within six months will be worked on by P & Z staff and will be brought back to the committee at a future meeting date. EXHIBIT #3

15. Discussion/decision concerning Section 9.73 Overlay Districts in the Oneida County Zoning & Shoreland Protection Ordinance.

Tabled until next meeting, May 31, 2006.

Committee recessed for the Public Hearing – 2:18 P.M.

Committee reconvened for the continuation of the Regular Meeting – 3:48 P.M.

16. Discussion/decision concerning amendments to Section 9.55 Adult Oriented Business Ordinance in the Oneida County Zoning & Shoreland Protection Ordinance.

Mr. Jennrich read thru draft 4/26/2006, EXHIBIT #4. Mr. Jennrich specifically read 11. ESTABLISHMENT (e) The expansion or combination of expansion of a sexually oriented business, whether the business is permitted under this ordinance section or a legal pre-existing use, that is equal to or more than 25% of its existing floor space on February 26, 2006 or as stated in the Sexually Oriented Business permit application. This takes away the ability for someone to have unlimited expansion. Both Mr. Jennrich and Corporation Counsel recommends that if you have an adult establishment that you really should not allow it have unlimited expansion, there should be some control. Therefore, if you have an adult establishment that is zoned General Use and they could expand up to 25%. Once they go above the 25%, they would be required to get an adult establishment business permit, which is a non-discriminatory permit that the department would be issuing. Both Darlins' and Weasels are zoned Business so pursuant to this ordinance, they could expand up to 25% and if they were zoned General Use they could go above that

and then the department could issue the sexually oriented business ordinance. But because both Darlins" and Weasels are both zoned Business, they cannot expand above the 25% because they are not an allowable use within that zoning district.

Mr. Jennrich updated the committee in telling them that he emailed Tony Hallman, Town Chair for Three Lakes, stating that he wanted to start the rezone process for Weasels to General Use and the Town of Three Lakes is adamant against it. The Town of Three Lakes just wants to rezone Weasels parcel.

Mr. Jennrich, "Yes, it will be considered a spot zone, but you are doing it for a specific purpose and that specific purpose may stand up to the challenge."

Mr. Holewinski suggests that Mr. Jennrich talk to Mr. DePonte regarding 100% expansion and see if he is satisfied with that and if not then go for after the General Use rezone.

Mr.. Cushing agrees.

Mr. Jennrich will bring back.

17. Discussion/decision concerning the anonymous complaint policy.

MOTION: (Ted Cushing/Scott Holewinski) to leave the anonymous complaint policy the way it is. Roll Call Vote: Scott Holewinski "aye", Frank Greb "aye", Ted Cushing "aye" Larry Greschner "aye" and Bob Metropulos "no". 4 ayes, 1 no. Motion carries.

18. Departmental operations/activities & status. – Mr. Jennrich stated that the department was very busy.

19. Discussion/decision to review and approve the 2005 Annual Report.

MOTION: (Frank Greb/Larry Greschner) to approve the 2005 Annual Report and forward on to the Full County Board. All "aye" on voice vote. Motion carries.

20. Discussion/decision of line item transfers, refunds, purchase orders and bills.

Karl Jennrich, Zoning Director, handed out to the committee the blank purchase orders for their signatures. EXHIBIT #5

Karl Jennrich, Zoning Director, noted the following Submittals for Payment (Exhibit # 6) Mileage for \$1,112.50 and Dept. of Commerce in the amount of \$600.00, Total: \$1,712.50.

Refunds: Josh Schmitz - \$75.00, Ken Kelais - \$150.00, Chester Jablonski - \$150.00, Boy Scouts of America - \$75.00 (applicant withdrew)

MOTION: (Ted Cushing/Scott Holewinski) to approve the refunds, bills and blank purchase orders as presented. All "aye" on voice vote. Motion carries.

Mr. Larry Greschner asked Mr. Jennrich what it means when somebody pays a fee under protest.

Mr. Jennrich, "Probably under the next agenda, under refunds, Scott McCullum, this was a CUP issue where he started to put a foundation without benefit or permit and he did pay the \$225 so he could get his permit application. Mr. McCullum paid it under protest and would like his money back." "The department requested a letter from him regarding this issue."

21. Discussion/action concerning pending Ordinance Amendment and/or Resolution proposals scheduled for the County Board of Supervisors.

Mr. Jennrich read the pending Ordinance Amendments and Resolutions proposals to the committee. There is a Rezone in the Town of Nokomis from Forestry 1A to Residential and Farming. The second resolution is regarding 9.94-9.96.

MOTION: (Scott Holewinski/Ted Cushing) to approve the two resolutions presented and forward on to the County Board. All "aye" on voice vote. Motion carries.

22. Communications - NONE

23. Public comments. - NONE

24. Discussion/decision regarding future agenda items. – NONE

25. Adjourn.

4:33 PM There being no further matters to lawfully come before the Committee, a motion was made by Ted Cushing, second by Frank Greb to adjourn the meeting. With all members present voting "aye", the motion carried.

Chairman Bob Metropulos

Karl Jennrich
Zoning Director